

AMENDED

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

FILED

## I. (a) PLAINTIFFS

Dorothy Oakley

## U.S. DISTRICT COURT

## DEFENDANTS

Merck &amp; Co., Inc.

07 APR -2 PM 3:00

(b) County of Residence of First Listed Plaintiff Decatur

(EXCEPT IN U.S. PLAINTIFF CASES)

SOL.

CLERK

INDIANA

LAURA A.

BRIGGS

CLERK

County of Residence of First Listed Defendant Hunterdon County, NJ

(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Hensley Legal Group, 426 E New York Street, Indianapolis, IN 46202  
(317) 472-3333, Timothy F. Devereux & John D. Hensley

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE

LAND INVOLVED

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff  3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant  4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

| PTF                                     | DEF   | PTF   | DEF   |
|---|---|---|---|
| Citizen of This State                   | X 1 <input type="checkbox"/> 1                        | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 X 5                        |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT  | TORTS   | FORFEITURE/PENALTY  | BANKRUPTCY   | OTHER STATUTES   |
|---|---|---|--|--|
| <input type="checkbox"/> 110 Insurance  | <b>PERSONAL INJURY</b>  | <b>PERSONAL INJURY</b>  | <input type="checkbox"/> 422 Appeal 28 USC 158                   | <input type="checkbox"/> 400 State Reapportionment                                     |
| <input type="checkbox"/> 120 Marine   | <input type="checkbox"/> 310 Airplane                           | <input type="checkbox"/> 362 Personal Injury - Med Malpractice          | <input type="checkbox"/> 423 Withdrawal                          | <input type="checkbox"/> 410 Antitrust   |
| <input type="checkbox"/> 130 Miller Act   | <input type="checkbox"/> 315 Airplane Product Liability         | X 365 Personal Injury - Product Liability                               | 28 USC 157   | <input type="checkbox"/> 430 Banks and Banking   |
| <input type="checkbox"/> 140 Negotiable Instrument                                | <input type="checkbox"/> 320 Assault, Slander                   | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <b>PROPERTY RIGHTS</b>   | <input type="checkbox"/> 450 Commerce  |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment    | <input type="checkbox"/> 330 Federal Employers' Liability       | <input type="checkbox"/> 370 Other Fraud                                | <input type="checkbox"/> 820 Copyrights                          | <input type="checkbox"/> 460 Deportation   |
| <input type="checkbox"/> 151 Medicare Act   | <input type="checkbox"/> 340 Marine Liability                   | <input type="checkbox"/> 371 Truth in Lending                           | <input type="checkbox"/> 830 Patent                              | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations            |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 345 Marine Product Liability           | <input type="checkbox"/> 380 Other Personal Property Damage             | <input type="checkbox"/> 840 Trademark                           | <input type="checkbox"/> 480 Consumer Credit   |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits        | <input type="checkbox"/> 350 Motor Vehicle                      | <input type="checkbox"/> 385 Property Damage Product Liability          | <b>SOCIAL SECURITY</b>   | <input type="checkbox"/> 490 Cable/Sat TV  |
| <input type="checkbox"/> 160 Stockholders' Suits                                  | <input type="checkbox"/> 355 Motor Vehicle Product Liability    | <input type="checkbox"/> 390 Other                                      | <input type="checkbox"/> 861 HIA (1395ff)                        | <input type="checkbox"/> 810 Selective Service   |
| <input type="checkbox"/> 190 Other Contract                                       | <input type="checkbox"/> 360 Other Personal Injury              | <b>LABOR</b>  | <input type="checkbox"/> 862 Black Lung (923)                    | <input type="checkbox"/> 850 Securities/Commodities/ Exchange                          |
| <input type="checkbox"/> 195 Contract Product Liability                           |   | <input type="checkbox"/> 710 Fair Labor Standards Act                   | <input type="checkbox"/> 863 DIWC/DIW (405(g))                   | <input type="checkbox"/> 875 Customer Challenge 12 USC 3410                            |
| <input type="checkbox"/> 196 Franchise  |   | <input type="checkbox"/> 720 Labor/Mgmt. Relations                      | <input type="checkbox"/> 864 SSID Title XVI                      | <input type="checkbox"/> 890 Other Statutory Actions                                   |
| <b>REAL PROPERTY</b>  | <b>CIVIL RIGHTS</b>   | <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act     | <input type="checkbox"/> 865 RSI (405(g))                        | <input type="checkbox"/> 891 Agricultural Acts   |
| <input type="checkbox"/> 210 Land Condemnation                                    | <input type="checkbox"/> 441 Voting                             | <input type="checkbox"/> 740 Railway Labor Act                          | <b>FEDERAL TAX SUITS</b>   | <input type="checkbox"/> 892 Economic Stabilization Act                                |
| <input type="checkbox"/> 220 Foreclosure  | <input type="checkbox"/> 442 Employment                         | <input type="checkbox"/> 790 Other Labor Litigation                     | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) | <input type="checkbox"/> 893 Environmental Matters                                     |
| <input type="checkbox"/> 230 Rent Lease & Ejectment                               | <input type="checkbox"/> 443 Housing Accommodations             | <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act               | <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609         | <input type="checkbox"/> 894 Energy Allocation Act                                     |
| <input type="checkbox"/> 240 Torts to Land  | <input type="checkbox"/> 444 Welfare                            |   |  | <input type="checkbox"/> 895 Freedom of Information Act                                |
| <input type="checkbox"/> 245 Tort Product Liability                               | <input type="checkbox"/> 445 Amer. w/ Disabilities - Employment |   |  | <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice |
| <input type="checkbox"/> 290 All Other Real Property                              | <input type="checkbox"/> 446 Amer. w/ Disabilities - Other      |   |  | <input type="checkbox"/> 950 Constitutionality of State Statutes                       |
|   | <input type="checkbox"/> 440 Other Civil Rights                 |   |  |  |

## V. ORIGIN (Place an "X" in One Box Only)

X 1 Original Proceeding  2 Removed from State Court  3 Remanded from Appellate Court  4 Reinstated or Reopened  5 Transferred from another district (specify)  6 Multidistrict Litigation  7 Appeal to District Judge from Magistrate Judgment

(Place an "X" in One Box Only)

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

## VI. CAUSE OF ACTION

Brief description of cause:

## VII. REQUESTED IN COMPLAINT:

(Check if this is a CLASS ACTION

UNDER F.R.C.P. 23

## DEMAND \$

CHECK YES only if demanded in complaint.

## JURY DEMAND:

X Yes  No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

3-28-07

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IIP

JUDGE

MAG. JUDGE